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March 11, 2022

By ECF

Hon. Louis L. Stanton, USDJ
United States Courthouse
500 Pearl Street, Room 21C
New York, New York 10007

Re: *Khalil v. Fox Corp., et al.*
21-cv-10248-LLS

Dear Judge Stanton:

Defendant Sidney Powell, through undersigned counsel, respectfully writes to inform the Court of the recently filed Decision and Order on Motion (the “Decision”) entered by the Hon. David B. Cohen, J.S.C. on March 8, 2022, in the case styled *Smartmatic USA Corp., et al. v. Fox Corporation, et al.*, Index No. 151136/2021 in the Supreme Court of the State of New York, New York County, Part 58 (the “State Court Action”). A copy of the Decision is attached.

The State Court Action is a defamation action initiated by the plaintiff election technology companies (hereinafter “Smartmatic”) alleging, *inter alia*, that during the December 10, 2020 broadcast of Lou Dobbs’ television show, defendants Fox News and Sidney Powell disparaged Smartmatic in statements referring to the alleged switching of votes from the Democratic candidate, Joseph Biden, to the Republican candidate, Donald J. Trump. That is the same broadcast that serves as the basis for plaintiff Majed Khalil’s claims in this case.

Judge Cohen’s Decision granted Ms. Powell’s motion to dismiss based on New York’s lack of personal jurisdiction over her, the same argument Ms. Powell advances here. As Ms. Powell’s alleged contacts with New York in the State Court Action were even more extensive than those alleged here Mr. Khalil, Ms. Powell respectfully submits that the Decision confirms the propriety of her dismissal from this case.

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Respectfully submitted,

/s/ Howard Kleinhendler
Howard Kleinhendler

cc: All Counsel of Record (via ECF)